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Steven P. Bird, Stephen A. Cassani, Cynthia M.
Fornelli, Katherine Park, and Kimberley Vogel*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE TRIPLEPOINT VENTURE GROWTH
BDC CORP DERIVATIVE LITIGATION

Case No.: 4:23-cv-06557-DMR

This Document Relates to:

ALL ACTIONS

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO DISMISS PLAINTIFFS'
VERIFIED SHAREHOLDER
DERIVATIVE COMPLAINT WITHOUT
PREJUDICE**

Pursuant to Rules 23.1(c) and 41(a)(2) of the Federal Rules of Civil Procedure, Nominal Defendant TriplePoint Venture Growth BDC Corp. (“TriplePoint”), and Defendants James P. Labe, Christopher M. Mathieu, Sajal K. Srivastava, Gilbert E. Ahye, Steven P. Bird, Stephen A. Cassani, Cynthia M. Fornelli, Katherine Park, and Kimberley Vogel (collectively with Nominal Defendant, “Defendants”), and Plaintiffs Larry Vorpahl and John McGuire (“Plaintiffs”) (collectively, the “Parties”), by and through their respective counsel, submit this Stipulation to Dismiss Plaintiffs’ Verified Shareholder Derivative Complaint Without Prejudice, and respectfully request that the Court enter the accompanying Proposed Order approving the dismissal without prejudice as follows:

1. As the Court is aware, this shareholder derivative suit was filed following a similar shareholder securities class action lawsuit. *See Petersen v. TriplePoint Venture Growth BDC Corp. et al*, C.A. No. 3:2023-cv-02980 (N.D. Cal.) (the “Securities Class Action”). On August 7, 2024, Judge Trina L. Thompson entered an order dismissing that case with prejudice. *See Securities Class Action*, ECF No. 62.

2. In light of the dismissal in the Securities Class Action, the Parties agree that any and all claims asserted against Defendants in this Action shall be voluntarily dismissed by Plaintiffs without prejudice.

3. The Parties agree and submit that notice to TriplePoint’s stockholders of this dismissal under Rule 23.1(c) of the Federal Rules of Civil Procedure is unnecessary, because the dismissal is without prejudice, because Plaintiffs have not reached a settlement with Defendants in this Action, and because no payment has been made to any party or their counsel in connection with this dismissal.

4. The Parties agree that each party is to bear its own attorneys’ costs and fees.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by the Parties, through their undersigned counsel of record and subject to court approval, as follows:

1. This Action is dismissed in its entirety without prejudice, pursuant to Federal Rules of Civil Procedure 23.1(c) and 41(a)(2).

2. Each party shall bear its own fees and costs incurred in this Action.

1 Dated: September 17, 2024

FRESHFIELDS BRUCKHAUS DERINGER US LLP

2 By: /s/ Boris Feldman
3 Boris Feldman

4 *Attorneys for Defendants TriplePoint Venture*
5 *Growth BDC Corp., James P. Labe, Christopher*
6 *M. Mathieu, Sajal K. Srivastava, Gilbert E. Ahye,*
7 *Steven P. Bird, Stephen A. Cassani, Cynthia M.*
8 *Fornelli, Katherine Park, and Kimberley Vogel*

8 Dated: September 17, 2024

THE BROWN LAW FIRM, P.C.

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Additional Counsel for Plaintiffs

CERTIFICATION

I, Boris Feldman, am the ECF user whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER TO DISMISS PLAINTIFFS' VERIFIED SHAREHOLDER DERIVATIVE COMPLAINT WITHOUT PREJUDICE. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that all signatories concurred in this filing.

Dated: September 17, 2024

FRESHFIELDS BRUCKHAUS DERINGER US LLP

By: /s/ Boris Feldman
Boris Feldman

~~PROPOSED~~ ORDER

Pursuant to the Stipulation, IT IS SO ORDERED.

Dated: September 17, 2024

By: 
Donna M. Ryu
Chief Magistrate Judge